



November 8, 2022

VIA ECF

The Honorable Vernon S. Broderick
United States District Court Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Goldstein, et al. v. Hochul, et al.*, 22-CV-8300 (VSB)

Your Honor:

I write to inform this Court of another highly relevant development: Yesterday, in *Antonyuk, et al. v. Hochul, et al.*, 22-CV-0986 (GTS), the U.S. District Court for the Northern District of New York issued a preliminary injunction enjoining, *inter alia*, the enforcement of Penal Law § 265.01-e(2)(c), the CCIA's ban on firearms in places of worship or religious observation. A copy of the Decision and Preliminary Injunction is annexed hereto.

The *Antonyuk* Court found that the plaintiffs in that case demonstrated a substantial likelihood of success on the merits with respect to their Second Amendment challenge to the CCIA's categorical ban on firearms in "places of worship or religious observation." In reaching that conclusion, the court agreed with the decision of the Western District of New York in *Hardaway v. Nigrelli*, 22-CV-0771 (W.D.N.Y. Oct. 20, 2022) and found that there was no tradition of such a ban at any relevant point in our nation's history. *Antonyuk v. Hochul*, 22-CV-0986 (GTS), ECF No. 78 at 129-31. It also held the few statutory examples proffered by the defendants were inapt analogs because they were far less burdensome on individuals' rights than the CCIA. *Id.* at 132-35.

Moreover, the *Antonyuk* Court correctly recognized that the CCIA's ban "treads too close to infringing on one's First Amendment right to participate in congregative religious services." *Id.* at 134.

Finally, it's worth noting that the plaintiffs in *Antonyuk* challenged every aspect of the CCIA, and the court in that case issued a 184-page decision analyzing the constitutionality of each portion of the law within two weeks of the preliminary injunction hearing. Here, by contrast, plaintiffs challenged just a singular provision of the CCIA, but nearly the same amount of time has passed and a decision has yet to be rendered.

The constitutional harm to plaintiffs grows with each passing day. The threat to their physical safety does not diminish with the passage of time.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Ameer Benno'.

Ameer Benno
Cory Morris

Encl.

cc: All counsel by ECF